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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

DECISION  
ON PETITION

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In re Application of:  
Frohman et al.  
Application No. 09/871,016  
Filed: May 31, 2001  
For: **SOUND GENERATING APPARATUS  
FOR USE WITH GLOVES AND SIMILAR  
ARTICLES**

This is a decision on the petition filed June 2, 2003 to reset the period for reply under MPEP § 710.06, which is being treated under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment. No fee is required.

A non-final Office action was mailed to the address of record on December 19, 2002. The application file is in an abandoned status for failure to respond to the non-final Office action mailed December 19, 2002. A Notice of Abandonment has not been mailed.

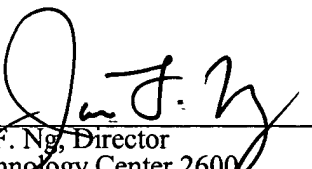
Petitioner asserts that the non-final Office action was never received, but that a copy was received by facsimile on May 30, 2003.

A review of the record indicates that the non-final Office action was not properly mailed to the practitioner of record in that the action was sent to an incorrect mailing address. Thus, there was an irregularity in mailing the non-final Office action on the part of the U.S. Patent and Trademark Office.

Accordingly, the petition is **GRANTED**.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center's technical support staff for correcting the address of record to that shown in the declaration and power of attorney and for re-mailing the non-final Office action. The three (3) month time period for responding to the non-final Office action will be set to run from the date of the mailing thereof.

  
Jin F. Ng, Director  
Technology Center 2600  
Communications